

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	MM Docket No. 99-25
Creation of a Low)	
Power Radio Service)	RM-9208
)	RM-9242

To: The Commission

OPPOSITION TO PETITION FOR EXTENSION OF TIME

Office of Communication, Inc. of United Church of Christ, *et al.*,¹ strenuously oppose any additional extensions of time for submission of comments in MM Docket No. 99-25, Creation of a Low Power Radio Service. Although the comment deadlines in this proceeding have already been extended twice, by a total of fourteen weeks,² Greater Media, Inc. has sought an additional extension of time to file reply comments.³ Greater Media outrageously seeks an extension of time of an additional 60 days, or longer, depending on the Commission's release of a Notice of Proposed Rulemaking regarding in-band on-channel terrestrial digital audio radio ("IBOC NPRM").⁴

Greater Media has presented no new rationales not previously available to the Commission

¹ UCC *et al.* includes: United Church of Christ, Office of Communications, Inc.; National Council of the Churches of Christ, Communications Commission; General Board of Global Ministries of The United Methodist Church; Department for Communications of the Evangelical Lutheran Church in America; Civil Rights Forum; Libraries for the Future; and Consumers Union.

² *See Order*, 14 FCC Rcd 4096 (Mass Med. Bur. 1999) (extending original comment deadline by approximately 6 weeks); *Order*, FCC 99-112 (rel. May 20, 1999) (extending comment deadline by an additional 60 days).

³ Greater Media, Inc., Petition for Extension of Time to File Reply Comments, MM Docket 99-25 (filed Aug. 11, 1999).

⁴ *Id.* (seeking alternatively to file reply comments 45 days after the release of an IBOC NPRM).

when it set the present comment and reply comment deadlines. The preparation of technical materials submitted in this proceeding were the precise reason that the Commission extended the deadlines in the first place. Further, although UCC *et al.* possess much fewer resources than many other parties to this proceeding, including Greater Media, UCC *et al.* has expended considerable effort to prepare to meet the deadlines set forth by the Commission. Thus, UCC *et al.* is prepared to submit a detailed technical analysis of the studies submitted in this proceeding on September 1, 1999. The record in this proceeding is indeed large, however, UCC *et al.* is also prepared to submit reply comments on the date required by the Commission. Many of the comments in this proceeding are not detailed pleadings, but are short affirmative or negative statements by individuals. Responding to these statements do not require extensive analysis.

The Commission also should not delay the Low Power Radio proceeding indefinitely while the IBOC proceeding is developed. IBOC is still in a nascent state. The proponents of IBOC would prefer that IBOC receive first priority and that IBOC technology is fully developed and vetted before a low power radio service is considered. If this advocacy were followed, however, the LPFM proceeding would not be closed until many years hence when IBOC is finalized. Although IBOC proponents intend to submit further information to the National Radio Systems Committee (NRSC) in December 1999, this will surely not be the final word on IBOC technology. The final IBOC standard will not be developed quickly, if for no other reason, because each of the three companies engaged in IBOC research hope to persuade the Commission will select its technology as the nationwide standard. This process will take time. Further, as new technical information is released, each firm will adjust and modify its technology to respond to others' innovations. Field testing will uncover further refinements that must be made. If the efforts in pursuit of deploying digital television

are any precedent, waiting for IBOC to be fully developed could entail a decade-long wait. It would be untenable to force LPFM proponents to wait behind a proceeding that, by its very nature, cannot be completed quickly.

Although the Commission must surely monitor the interplay between the two proceedings, it is by no means necessary to initiate the IBOC proceeding to evaluate LPFM. It is possible that the Commission would better serve the ultimate deployment of IBOC technology by expeditiously completing the low power proceeding before embarking on an IBOC proceeding. If the Commission concludes that low power radio is an important part of fulfilling the public interest requirements of the Communications Act, an early adoption of a low power radio service will provide certainty to the on-going efforts to develop IBOC. Thus, it might be better for IBOC proponents to develop IBOC with the clear knowledge that it must accommodate and facilitate low power broadcasts. Moreover, nothing bars submission of the results of the technical data produced in December if this information proves, in fact, to be as pivotal as advocates claim it may be.

Finally, in this instance, delay favors one groups of advocates over another. Opponents of low power radio clearly believe that delay will serve their policy goals. The Commission has already acceded to their requests for delay on two occasions. Citizens have been waiting for broader access to the airwaves for much longer than IBOC advocates have been awaiting initiation of an IBOC

rulemaking. The Commission must reject this request.

Respectfully submitted,

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